

AMENDED IN ASSEMBLY APRIL 5, 1917.

ASSEMBLY BILL

No. 57

INTRODUCED BY MR. HILTON,

(BY REQUEST)

JANUARY 12, 1917.

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.

AN ACT

TO REGULATE THE EXAMINATION OF APPLICANTS FOR LICENSE, AND THE PRACTICE OF THOSE LICENSED TO [PRACTICE ANY DRUGLESS BRANCH OF THE HEALING ART IN THE TREATMENT OF DISEASE,] INJURIES, DEFORMITIES, OR OTHER PHYSICAL OR MENTAL CONDITIONS OF HUMAN BEINGS WITHOUT THE USE OF DRUGS, OR [THE PRACTICE OF SURGERY] EXCEPT THE SEVERING OF THE UMBILICAL CORD; TO ESTABLISH A BOARD OF [DRUGLESS] EXAMINERS [] FOR THE STATE OF CALIFORNIA; TO PROVIDE FOR THEIR APPOINTMENT AND PRESCRIBE THEIR POWERS AND DUTIES, AND TO PROVIDE PENALTIES TO ENFORCE THE PROVISIONS OF THIS ACT; TO PROVIDE THAT SUCH BOARD MAY SUSPEND OR REVOKE [THE LICENSES OR CERTIFICATES TO PRACTICE OF ANY PERSON LICENSED UNDER THE PROVISIONS OF THIS ACT]; TO PROVIDE THAT THE POWERS, AND DUTIES OF SUCH BOARD SHALL BE EXCLUSIVE; [TO PROVIDE FOR THE CREATING OF] THE BOARD OF DRUGLESS EXAMINERS' CONTINGENT FUND, AND TO REPEAL ALL ACTS AND PARTS OF ACTS INCONSISTENT WITH, OR IN CONFLICT WITH, THIS ACT.

The people of the State of California do enact as follows:

- 1 SECTION 1. A board of [drugless examiners] to consist of
- 2 [seven] members, and to be known as the "board of [drugless
- 3 examiners] for the State of California," is hereby created and,

1 established. The governor shall, within thirty days after the
2 act shall take effect, appoint the members of said board, each
3 whom shall have been a citizen of this state for at least [two]
4 years next preceding his or her appointment. Each of the
5 members so appointed shall [be from among persons who prac-
6 tice one or more of the branches of drugless practice, and
7 graduate of medicine or surgery nor any graduate from any
8 school which said school shall certify its graduates to the
9 examination for "physician and surgeon" certificate
10 "chiropractic certificate" as issued under the medical practice
11 act of the State of California or graduates from any school
12 other than a drugless school, shall be eligible to appointment
13 on said board.] The governor shall fill, by appointment,
14 vacancies on the said board, such vacancies to be filled exclu-
15 sively by persons holding a [certificate as] issued by the board
16 hereby created. The term of office of each member shall
17 [three] years; *provided*, that of the first board appointed
18 [two] members shall be appointed for one year, [two for two
19 years and] three for three years [], and that, thereafter,
20 appointments shall be for [three] years, except that appoint-
21 ments to fill vacancies shall be for the unexpired term only.
22 No person in any manner owning any interest in any college
23 school or institution engaged in medical or drugless instruction
24 shall be appointed by the board. In making such appointments
25 the governor shall select the appointees so that they shall
26 respectively represent as nearly as possible, all branches of
27 drugless [practice], subject to the qualifications above required.
28 The governor shall have power to remove from office any mem-
29 ber of the board for neglect of duty required by this act,
30 incompetency or for unprofessional conduct. Each member
31 of the board shall, before entering upon the duties of his office,
32 take the constitutional oath of office.

33 SEC. 2. The said board shall be organized on or before the
34 first Tuesday of September, 1917, if this act shall have taken
35 effect; and in any event, within ninety days after this act
36 shall take effect, by electing from its number a president
37 vice president and a secretary who shall also be the treasurer.

1 who shall hold their respective positions during the pleasures
2 of said board. The said board shall hold one meeting annually,
3 beginning on the second Tuesday in January, in the city of
4 Sacramento, and at least two additional meetings annually, one
5 of which shall be held in the city of Los Angeles and the other
6 in the city of San Francisco, with power of adjournment from
7 time to time until its business is concluded; *provided, however,*
8 that examinations of applicants for certificates may, in the
9 discretion of the said board, be conducted in any part of the
10 state designated by the said board. Special meetings of the
11 said board may be held at such time and place as the board
12 may designate. Notice of each regular meeting shall be given
13 twice a week for two weeks next preceding each meeting, in a
14 daily paper published in the city of San Francisco, one pub-
15 lished in the city of Sacramento, and one published in the
16 city of Los Angeles, which notice shall also specify the time
17 and place of holding the examination of applicants. The
18 secretary of the said board, upon an authorization from the
19 president of the said board or the chairman of a committee,
20 may call meetings of any duly appointed committee of the
21 said board at a specified time and place, and it shall not be
22 necessary to advertise such committee meetings. The said
23 board shall receive, through its secretary, applications for
24 certificates provided to be issued under this act, and shall,
25 on or before the first day of January of each year, transmit
26 to the governor a full report of all its proceedings, together
27 with a report of its receipts and disbursements. The said
28 board shall, on or before the first day of January of each year,
29 compile and thereafter publish and sell, a complete directory,
30 giving the addresses of all persons within the State of Cali-
31 fornia who hold unrevoked licenses to practice under this act,
32 or which have been issued or authorized by this act [.] The
33 said board is hereby authorized to require said persons to
34 furnish such information as it may deem necessary to enable
35 it to compile the said directory. The said directory shall con-
36 tain, in addition to the names and addresses of said persons,
37 the names and symbols indicating the title, name or names,

1 school or schools which such person has attended and from
2 which graduated, the date of issuance of the license, the pres-
3 ent residence of said person and a statement of the form of
4 certificate held. The directory shall be prima facie evidence
5 of the right of the person or persons named therein to prac-
6 tice. It shall be the duty of every person holding a license
7 to practice under the provisions of this act, [] to report
8 immediately each and every change of residence, giving
9 both the old and new address, and any information said
10 board may deem necessary to compile said directory. After
11 the issue of the first directory, under this act, no directory
12 issued by the state board of medical examiners shall contain
13 any such matter as is authorized to be inserted in the directory
14 hereby provided for.

15 SEC. 3. The office of the said board shall be in the city of
16 Sacramento. Suboffices may be established in Los Angeles and
17 San Francisco, and such records as may be necessary may be
18 transferred temporarily to such suboffices. Local proceedings
19 against the said board may be instituted in any one of said
20 three cities.

21 SEC. 4. The said board may from time to time adopt such
22 rules consistent with this act as may be necessary to enable it to
23 carry into effect the provisions of this act. It shall require the
24 affirmative vote of seven members of said board to carry
25 motions or resolutions, to adopt any rule, to pass any measure,
26 or to authorize the issuance of any certificate as in this act
27 provided. Any member of the said board may administer
28 oaths in all matters pertaining to the duties of the said board,
29 and the said board shall have authority to take evidence in
30 any matter cognizable by it. When an application is made
31 to the board by any person who is a graduate in a drugless
32 practice and it occurs that said drugless practice is not repre-
33 sented on the board at the time of the filing of such applica-
34 tion, the board shall appoint or designate any qualified and
35 competent person or persons to give the whole or any portion
36 of any examination as provided in this act; [and] such person
37 or persons need not be a member of the said board, [but

1 upon appointment] shall be designated as a commissioner
2 on examination, and shall be subject to the same rules
3 and regulations, and entitled to the same fee and remu-
4 nation as if a member of the said board. The said board
5 shall keep an official record of all its proceedings, a part of
6 which record shall consist of a register of all applicants for
7 certificates under this act, together with the action of the said
8 board upon each application.

9 SEC. 5. The said board is authorized to prosecute all
10 persons guilty of violation of the provisions of this act. It
11 shall have the power to employ legal counsel for such purpose,
12 and may also employ inspectors, special agents and investi-
13 gators, and such clerical assistance as it may deem necessary to
14 carry into effect the provisions of this act. The said board may
15 fix the compensation to be paid for such service and may incur
16 such other expenses as it may deem necessary. It shall also
17 fix the salary of the secretary, not to exceed the sum of [one
18 thousand five hundred dollars (\$1,500)] per annum, and the
19 sum to be paid to the other members of the board, not to exceed
20 ten dollars (\$10) per diem each, for each and every day of
21 actual service in the discharge of official duties; such service to
22 include the attendance at special meetings of the board and
23 committee meetings of the board, and while actively engaged in
24 the review of examination papers, based upon one per diem for
25 each thirty papers or fraction thereof. Each member of the
26 board shall make an affidavit before some duly authorized
27 person in the State of California, that such service has been
28 actually performed, and the said board may, in its discretion,
29 add to said sum necessary traveling expenses.

30 SEC. 6. All fees collected on behalf of the said board, and
31 all receipts of every kind and nature, shall be reported at the
32 beginning of each month, for the month preceding, to the
33 state controller, and at the same time the entire amount of such
34 collections shall be paid into the state treasury, and shall be
35 credited to a fund to be known as the board of drugless exam-
36 iners' contingent fund, which fund is hereby created, and for
37 the purposes of the transfer hereinafter authorized to be made

1 by the state board of control, the said fund shall be deemed to
2 be in existence immediately upon the taking effect of this act.
3 Such contingent fund shall be for the uses of the said board
4 of drugless examiners, and out of it shall be paid all salaries,
5 and all other expenses necessarily incurred in carrying into
6 effect the provisions of this act. An amount not to exceed one
7 thousand dollars (\$1,000) may be drawn from the contingent
8 fund herein created, to be used as a revolving fund where cash
9 advances are necessary; but expenditures from such revolving
10 fund must be substantiated by vouchers and itemized state-
11 ments at the end of each fiscal year, or at any other time when
12 demand therefor is made by the board of control of the State
13 of California. []

14 Sec. 7. Every applicant for a certificate shall pay to the
15 secretary of the board a fee of twenty-five dollars (\$25) which
16 shall be paid to the treasurer of the board by said secretary.
17 In case the applicant's credentials are insufficient, or in case
18 he does not desire to take the examination, the sum of ten
19 dollars (\$10) shall be retained, the remainder of the fee being
20 returnable on application. Where any other or different fee is
21 required from an applicant by this act, the provision of this act
22 therefor shall control.

23 [Sec. 8. The certificates of license to be issued under this
24 act shall be issued by said board under the seal thereof and
25 signed by the president and secretary, which said certificates
26 shall at the discretion of the applicant be designated either
27 "drugless practitioner certificate" or "drugless physician cer-
28 tificate" and further, said certificate shall have indicated
29 thereon the particular branch or branches of drugless practice
30 in which the applicant has qualified and shall so state the
31 branch or branches as follows: License to practice (insert name
32 of branch or branches). The license issued hereunder shall
33 authorize the holder thereof to practice the profession or pro-
34 fessions specified upon his certificate within the terms of
35 section eight a of this act. A "reciprocity certificate" shall
36 also be issued under the provisions hereinafter specified. Either
37 of these certificates, on being recorded in the office of the county

1 clerk, as hereinafter provided, shall constitute the [holder
2 thereof duly licensed under the provisions of this act in accord-
3 ance] with the provisions of his certificate.

4 [Sec. 8a. A drugless practitioner or drugless physician
5 within the meaning of this act is hereby declared to be any
6 person who is a graduate of a school, the course of instruction
7 in which said school shall be or shall have been of a character
8 intended to qualify persons to practice a physical system of the
9 healing art without the use of drugs or the practice of surgery
10 except the severing of the umbilical cord.]

11 Sec. 9. Every applicant must file with the said board at
12 least two weeks prior to the regular meeting thereof, satis-
13 factory testimonials of good moral character, and a diploma or
14 diplomas issued by some legally chartered school or schools
15 [], the requirements of which school or schools shall
16 have been, at the time of granting such diploma or
17 diplomas, in no degree less than those required under this
18 act, or satisfactory evidence of having possessed such diploma
19 or diplomas, and must file an affidavit stating that he or she
20 is the person named in said diploma or diplomas, and that he
21 or she is the lawful holder thereof, and that the same was pro-
22 cured in the regular course of instruction and examination
23 without fraud or misrepresentation; *provided, further*, that an
24 applicant for a [certificate as provided in this act] must show
25 that he has attended two courses of study, each such course
26 to have been of not less than thirty-two weeks' duration, but
27 not necessarily pursued continuously or consecutively, and
28 that at least ten months shall have intervened between the
29 beginning of any course and the beginning of the preceding
30 course. [] The said application shall be made upon a
31 blank furnished by the said board, and it shall contain
32 such information concerning the instruction and the pre-
33 liminary education of the applicant as the said board may
34 by rule, prescribe. In addition to the requirements here-
35 inabove provided for, applicants for any form of cer-
36 tificate hereunder shall present to said board, at the time
37 of making of such application, a diploma from a [high

1 school or] school in the State of California requiring and giving
2 a full four years' course of said grade, or other schools else-
3 where, requiring and giving a full four years' standard high
4 school course or its equivalent, [] together with satisfactory
5 proof that he or she is the lawful holder of such diploma, and
6 that the same was procured in the regular course of instruction.

7 []

8 SEC. 10. Applicants for a [certificate as provided in this
9 act] shall file satisfactory evidence of having pursued, in any
10 legally chartered school or schools [], a course of instruction
11 covering and including the following minimum requirements:

12 *Group 1. 600 hours.*

13 Anatomy ----- 485 hours
14 Histology ----- 115 hours

15 *Group 2. 270 hours.*

16 Elementary chemistry and toxicology ----- 70 hours
17 Physiology ----- 200 hours

18 *Group 3. 235 hours.*

19 Elementary bacteriology ----- 40 hours
20 Hygiene ----- 45 hours
21 Pathology ----- 150 hours

22 *Group 4. 370 hours.*

23 Diagnosis ----- 370 hours

24 *Group 5. 260 hours.*

25 [Theory, practice and technic] ----- 260 hours

26 *Group 6. 265 hours.*

27 Gynecology ----- 100 hours
28 Obstetrics ----- 165 hours

29
30 Total ----- 2,000 hours

31 In the course of study herein outlined, the hours required
32 shall be actual work in the class room, laboratory, clinic or hos-
33 pital, and at least eighty per cent of actual attendance shall be
34 required; *provided*, that the hours herein required in any one
35 subject need not exceed seventy-five per cent of the number
36 specified, but that the total number of hours in all the subjects
37 of each group shall not be less than the total number specified

1 for such group. All applicants for [a] certificate [as provided
2 in this act] must pass an examination in the following subjects:

- 3 1. Anatomy and histology.
- 4 2. Physiology.
- 5 3. [] Diagnosis.
- 6 4. Pathology and elementary bacteriology.
- 7 5. Obstetrics and gynecology.
- 8 6. Toxicology and elementary chemistry.
- 9 7. Hygiene and sanitation.

10 SEC. 11. All examinations shall be practical in character
11 and designed to ascertain the applicant's fitness to practice his
12 profession, [and shall be according to the teachings thereof]
13 and shall be conducted in the English language, and at least a
14 portion of the examination in each of the subjects shall be in
15 writing. [The member or members of the board appointed by
16 the governor as the representatives of any of the several
17 branches of drugless practice shall constitute the examiners for
18 their respective branches of drugless practice and said persons
19 shall have the exclusive authority over all matters pertaining
20 to the educational qualifications of all applicants for examina-
21 tion and license in their respective professions.] There shall
22 be at least ten questions on each subject, the answers to which
23 shall be marked on a scale of zero to one hundred. Each appli-
24 cant must obtain no less than a general average of seventy-five
25 per cent and not less than sixty per cent in any two subjects;
26 *provided*, that any applicant shall be granted a credit of one
27 per cent upon the general average for each year of actual
28 practice since graduation; *provided, further*, that any ap- to
29 cant for a [] certificate [under the provisions of this a or
30 obtaining seventy-five per cent, each, in five subjects, shall
31 be subsequently reexamined in those subjects only in which
32 he failed, and without additional fee. Any person who
33 within the time herein required submits proof to the said board,
34 hereby established that he or she has been licensed as a drug-
35 less practitioner by the board of medical examiners authorized
36 and established by the act of the legislature of California
37 approved June 2, 1913, or any act or acts amendatory thereof.

1 upon paying the fee herein by this section required, shall be
2 entitled to and shall upon written application therefor, receive
3 from the board hereby established a [] certificate, [as pro-
4 vided in this act] which certificate must be issued at the first
5 meeting of said board after such application and the submis-
6 sion of the proof last above referred to, and the payment of
7 said last mentioned fee, without further examination. Any
8 such applicant must present his application therefor in the
9 form required by the board hereby created, with such proof,
10 and pay an application fee of five dollars (\$5) to the secretary
11 of the board hereby established, within six (6) months from
12 the time this act shall take effect, and not thereafter, unless by
13 reason of the absence of such person from the State of Cali-
14 fornia, or other disability allowed by said board, the said board
15 shall permit such application and proof to be made at a later
16 period. Upon the submitting to said board of the proof last
17 above referred to, and the payment of said application fee of
18 five dollars (\$5) within the time limit herein mentioned, or per-
19 mitted, the said board must issue to such an applicant a [] cer-
20 tificate under the provisions of this act, without further proof or
21 examination of said person. Nothing in this act contained shall
22 be construed to compel or require any person holding a "drug-
23 less practitioner certificate," under the laws of this state, to
24 obtain a [] certificate under the provision of this act, but after
25 this act shall take effect, the board of medical examiners, created
26 and established by the act of the legislature of California and
27 approved June 2, 1913, or any act or acts amendatory thereof,
28 shall not, nor shall any board or authority, except the board
29 hereby created, issue, or have power to issue any certificate,
30 or license any person to practice [as provided in this act,]
31 and no person shall be entitled in the State of California,
32 to [so practice] unless licensed so to do by authority
33 of a law of this state. Any person who, at any time prior to
34 July 1, 1918, shall pay to the secretary of said board of drug-
35 less examiners the fee of twenty-five dollars (\$25), and submit
36 satisfactory proof of good moral character and of a resident
37 one-year course of not less than one thousand hours in a

1 legally chartered school [and that he enrolled in said school
2 prior to the passage or approval of this act shall be admitted
3 to an oral practical and clinical examination for a] cer-
4 tificate authorized to be issued by this act. The examina-
5 tion papers shall form a part of the records of said board, and
6 shall be kept on file by the secretary for a period of one year
7 after such examination. In said examination the applicant
8 shall be known and designated by number only, and the name
9 attached to the number shall be kept secret until after the
10 board has finally voted upon the application. The secretary
11 of the board shall in no instance participate as an examiner
12 in any examination held by the board. All questions on any
13 subject in which examination is required under this act shall be
14 provided by the board of drugless examiners hereby estab-
15 lished, upon the morning of the day upon which examination
16 is given in such subject, and when it shall be shown that the
17 secretary, or any member of the board, has in any manner
18 given information in advance of, or during examination, to
19 any applicant, it shall be the duty of the governor to remove
20 such person from the said board of drugless examiners, or from
21 the office of secretary. All certificates issued hereunder shall
22 be in such form as shall be prescribed by the said board
23 consistent with [section eight] of this act.

24 SEC. 12. Said board must also issue a [certificate to prac-
25 tice as authorized by this act to any] applicant, without any
26 examination, upon payment of a registration fee of fifty dol-
27 lars (\$50) upon the following terms and conditions, and upon
28 satisfactory proof thereof, viz:

29 The applicant shall produce a certificate entitling him to
30 [practice as] provided in this act, issued by any board or
31 officer authorized by the law to issue a certificate entitling
32 such applicant to practice [] in the District of Columbia or
33 any state or territory of the United States, other than the
34 State of California; or, if said certificate shall have been lost
35 then a copy thereof, with proof satisfactory to the said board
36 of drugless examiners hereby established that the copy is a
37 correct copy. [The] requirements from the college from

1 which such applicant may have graduated, and the require-
 2 ments of the board which was legally authorized to issue such
 3 certificate permitting such applicant to practice [as provided
 4 in this act shall] not have been at the time such certificate was
 5 issued in any degree or particular less than those which were
 6 required for the issuance of a similar certificate to practice
 7 such a [branch of drugless practice] by the provisions of
 8 this act, or which may hereafter be required by law in the
 9 State of California, and which may be in force in California;
 10 [] and provided, further, that said applicant shall furnish
 11 from the board which issued such certificate evidence satisfac-
 12 tory to the board of drugless examiners hereby established,
 13 showing what the requirements were of the college and of the
 14 board issuing such certificate at the date of such issuance.

15 []

16 Each applicant, on making such application, shall pay to
 17 the secretary of said board, upon such an application, a fee of
 18 fifty dollars (\$50) which shall be paid to the treasurer of the
 19 board, of which sum forty dollars (\$40) thereof shall be
 20 returned to him, should he not receive a certificate hereunder.
 21 All certificates issued pursuant to the provisions of this sec-
 22 tion shall [in addition to the provisions of section eight of this
 23 act] be marked across the face thereof, "reciprocity certi-
 24 ficate."

25 [SEC. 13. Said board shall revoke the certificate of license
 26 issued under this act to any person guilty of unprofessional
 27 conduct. Said board shall adopt rules of practice and pro-
 28 cedure pursuant and under and by virtue of the laws of the
 29 State of California, by which any person charged with unpro-
 30 fessional conduct may be tried. In every instance where a
 31 person is charged with unprofessional conduct, such person,
 32 before suspension or revocation of his license, shall be cited to
 33 appear and be given an opportunity to defend himself by
 34 counsel or otherwise in said trial by said board. In the event
 35 the certificate of license of any person is revoked or suspended,
 36 the secretary shall enter upon the register the fact of such
 37 suspension or revocation, under the seal of the board, to the

1 county clerk of the county or counties in which the certificate
 2 of the person whose certificate has been revoked is recorded
 3 at the time of such revocation. The words "unprofessional
 4 conduct" as used in this act, are hereby declared to mean:

5 *First*—The procuring or aiding or abetting or attempting
 6 or agreeing or offering to procure a criminal abortion.

7 *Second*—The wilfully betraying of a professional secret.

8 *Third*—All advertising of medical business or drugless
 9 treatment which is intended or has a tendency to deceive the
 10 public or impose upon credulous persons, and so be harmful
 11 or injurious to public morals or safety.

12 *Fourth*—All advertising, directly or indirectly, or by any
 13 mode of evasion, of any medicine or of any means whereby
 14 the monthly periods of women can be regulated or the menses
 15 reestablished if suppressed.

16 *Fifth*—Conviction of any offense involving moral turpitude
 17 in which case the record of such conviction shall be conclu-
 18 sive evidence.

19 *Sixth*—Habitual intemperance or excessive use of cocaine
 20 opium, morphine, codeine, heroin, alpha eucaine, vita eucaine,
 21 uevacaine or chloral hydrate or any of the salts, derivative
 22 or compounds of the foregoing substances or the prescribing,
 23 selling, furnishing, giving away or offering to prescribe, sell
 24 furnish or give away such substances or any drug or medi-
 25 cinal preparation, to any person.

26 *Seventh*—The personation of another licensed practition-
 27 or physician, or permitting or allowing another person to use
 28 his license or certificate in the practice of any drugless sys-
 29 tem or mode of treating the sick or afflicted.

30 *Eighth*—The use by the holder of any certificate, in an
 31 sign or advertisement in connection with his said practice,
 32 in any advertisement or announcement of his practice, of an
 33 fictitious name, or any name other than his own.

34 *Ninth*—The use by the holder of a [certificate under the
 35 provisions of this act of drugs or the practice of surgery
 36 except the] severing of the umbilical cord.

1 *Tenth*—Advertising, announcing or stating, directly or
2 indirectly, or in substance, by any sign, card, newspaper
3 advertisement or other written or printed sign or advertise-
4 ment, that the holder of such, or any, certificate as is men-
5 tioned in subdivision nine of this section, or any other person,
6 company or association by which he or she is employed, or in
7 whose service he or she is, will cure or attempt to cure, or will
8 treat any venereal disease, or will cure or attempt to cure or
9 treat any person or persons for any sexual disease, for lost
10 manhood, sexual weakness, or sexual disorder or any disease
11 of the sexual organs; or being employed by, or being in the
12 service of, any person, firm, association or corporation so
13 advertising, announcing or stating.

14 *Eleventh*—The use by the holder of any certificate men-
15 tioned in subdivision nine of this section, of any letter, letters,
16 word, words, or term or terms used either as prefix or affix
17 or suffix indicating that such certificate holder is entitled to
18 practice a system or mode of treating the sick or afflicted for
19 which he [is] not licensed in the State of California.

20 *Twelfth*—The employment of “cappers” or “steerers” in
21 [procuring practice for the holder of a license issued under
22 this act].

23 SEC. 14. Every person holding a certificate under the
24 provisions of this act, or any certificate or license mentioned in
25 subdivision nine of section thirteen of this act, must have it
26 recorded in the office of the county clerk of the county or
27 counties in which the holder of said certificate is practicing his
28 profession, and the fact of such recordation shall be indorsed
29 on the certificate by the county clerk recording same. Any
30 person holding a certificate as aforesaid, who shall practice or
31 attempt to practice [] in this state, without having first filed
32 his certificate with the county clerk, as herein provided, shall
33 be deemed guilty of a misdemeanor and shall be punished by a
34 fine [of not more than one] hundred dollars (\$100), or by
35 imprisonment for a period of not [] more than sixty days,
36 or by both such fine and imprisonment.

1 SEC. 15. The county clerk shall keep in a book provided for
2 the purpose a complete list of the certificates recorded by him,
3 with the date of the record; and said book shall be open to
4 public inspection during his office hours.

5 SEC. 16. Any person who shall practice or attempt to
6 practice, directly or indirectly, or by any process of evasion or
7 who advertises or who holds himself out as practicing, [any
8 branch of drugless practice] in this state, or who shall by
9 any process of evasion, or directly or indirectly diagnose,
10 treat, operate for, or prescribe for any disease, injury, deform-
11 ity or other mental or physical condition of any person, with-
12 out having at the time of so doing a valid unrevoked certificate,
13 as provided by this act, authorizing such practice, or a "phy-
14 sician and surgeon certificate" issued by the board of med-
15 ical examiners of this state, or unless otherwise licensed so
16 to practice by this act or by law, or who shall in any sign or
17 in any advertisement, use the word "doctor," the letters
18 or prefix "Dr.," the letters "M.D.," or the words "drugless
19 physician," [or "drugless practitioner]," or "physician" or
20 any other term or letters indicating or implying that he is a
21 doctor or physician under the terms of this or any other act
22 of law or by any right or that he is entitled so to practice,
23 without having at the time of so doing a valid unrevoked
24 certificate as provided in this act, or a "drugless practitioner
25 certificate," or a "physician and surgeon certificate" issued
26 by the board of medical examiners of the State of California,
27 or unless otherwise licensed so to practice by this act, or by
28 law, shall be guilty of a misdemeanor and upon conviction
29 thereof shall be punished by a fine of not [] more than six
30 hundred dollars (\$600) or by imprisonment for a term of not
31 [] more than one hundred eighty (180) days, or by both such
32 fine and imprisonment. The fine or forfeiture shall be paid,
33 when collected, to the state treasurer, and a report thereof shall
34 be made to the state controller. It shall be the duty of the
35 court to order the proper official of the court to forward such
36 fines or forfeiture direct to the state treasurer, to be deposited
37 to the credit of the board of drugless examiners' contingent

1 fund, without placing such fine or forfeiture in any special
2 or contingent or general fund of any county, city and county,
3 city or township.

4 SEC. 17. Any person, or any member of any firm, or
5 official of any company, association, organization or corpora-
6 tion shall be guilty of a misdemeanor, and upon conviction
7 thereof shall be punishable by imprisonment in the county
8 jail for not [] more than one year, or by a fine of not []
9 more than one thousand dollars (\$1,000), or by both such fine
10 and imprisonment, who, individually, or in his official capacity,
11 shall himself sell or barter, or offer to sell or barter, any
12 certificate authorized to be granted hereunder, or any certifi-
13 cate or license authorizing the holder to practice [hereunder]
14 or any diploma, affidavit, transcript, certificate, or any other
15 evidence required in this act for use in connection with the
16 granting of certificates or diplomas, or who shall purchase or
17 procure the same, either directly or indirectly, with intent
18 that the same shall be fraudulently used, or who shall with
19 fraudulent intent alter any diploma, certificate, transcript,
20 affidavit, or any other evidence to be used in obtaining a
21 diploma or certificate or license authorizing the holder to
22 [practice under the provisions of this act], or who shall use,
23 or attempt to use fraudulently any such certificate, transcript,
24 affidavit or diploma, whether the same be genuine or false, or
25 who shall practice[, or attempt to practice as provided for
26 under this act], under a false or assumed name, or any name
27 other than that prescribed by the board of drugless examiners,
28 or the board of medical examiners of the State of California,
29 on, in or by the certificate or license lawfully issued to such
30 person authorizing him to [so practice], or who shall assume
31 any degree or title not conferred upon him in the manner,
32 and by the authority recognized in this act or by law, with
33 intent to represent falsely that he has received such degree or
34 title, or who shall wilfully make any false statement on any
35 application for examination, license or registration under this
36 act; or who shall engage in [drugless practice as provided for
37 herein], without causing to be displayed in a conspicuous

1 manner and in a conspicuous place in his office, the name of
2 each and every person who is associated with or [employed by
3 him in such practice]; or who shall, within ten days next after
4 demand made by the secretary of the said board hereby estab-
5 lished, fail to furnish to said board the name and address of a
6 such persons associated with or employed by him or by an
7 company or association with whom he is or has been connected
8 at any time within sixty days prior to said notice, together
9 with a sworn statement showing under and by what license or
10 authority said person or persons, or said employee or employees
11 is or are, or has or have been practicing any [branch of
12 drugless practice]. It shall be the duty of any person or
13 persons upon whom the board of drugless examiners may
14 make a demand for the name or names and address of
15 addresses of a person or persons associated with or employed
16 by him or them, to make affidavit that there is no such person
17 or persons associated with or employed by him or them,
18 such be the fact; *provided*, that such affidavit shall not be
19 used as evidence against said person or employee in any pro-
20 ceedings under this section.

21 SEC. 18. Every person filing for record or attempting to
22 file for record any certificate or license authorizing the prac-
23 tice [of any branch of drugless practice] issued to another
24 falsely claiming himself to be the person named in or entitled
25 to such certificate, shall be guilty of a felony, and upon con-
26 viction thereof, shall be subject to such penalties as are pro-
27 vided by the laws of this state for the crime of forgery.

28 SEC. 19. Any person not a member of the state board of
29 drugless examiners, who shall sign or issue or cause to be
30 signed or issued any certificate authorized by this act, shall
31 be guilty of a misdemeanor, and shall be punished by a fine
32 of not [] more than six hundred dollars (\$600) or by impris-
33 onment for a term of not [] more than one hundred eighty
34 (180) days, or by both fine and imprisonment.

35 SEC. 20. Nothing in this act shall be construed to prohib-
36 it the practice of a system of drugless treatment of the sick or
37 afflicted by any person holding an unrevoked "drugless pra-

1 titioner certificate" heretofore issued under or validated by
 2 the board of medical examiners of this state, or by any
 3 person authorized to so practice by the laws of this state; but
 4 [] after this act shall take effect, neither the board of medical
 5 examiners of this state nor any other board or authority in
 6 this state, except the board created by this act, shall grant,
 7 [any "drugless practitioner certificate" or any certificate,
 8 license, or authorization, authorizing the holder thereof to
 9 practice any branch of drugless practice as specified and set
 10 forth in this act, or do any act relating to the authorization
 11 or regulation of drugless practice in this state and from such
 12 time all power and authority over drugless practice in]
 13 this state, shall be vested exclusively in, and be exercised
 14 by, the board of drugless examiners hereby established, pur-
 15 suant to the provisions of this act.

16 SEC. 21. Nothing in this act is construed to prohibit serv-
 17 ice in the case of emergency, or the domestic administration
 18 of family remedies; [] nor shall this act apply to any prac-
 19 titioner from another state or territory, when in actual con-
 20 sultation with a licensed practitioner of this state []; pro-
 21 vided, that such practitioner shall not open an office or appoint
 22 a place to meet patients or receive calls within the limits of
 23 this state. Nor shall this act be construed [] to regulate,
 24 prohibit or to apply to any kind of treatment by prayer;
 25 nor to interfere in any way with the practice of religion; but
 26 said treatment by prayer or practice of religion shall not per-
 27 mit the use of [] any mechanical method[.]

28 SEC. 22. All acts and parts of acts inconsistent with or
 29 in conflict with this act are hereby repealed.

ASSEMBLY BILL

No. 57

INTRODUCED BY MR. HILTON

(BY REQUEST)

JANUARY 12, 1917. *SEN AMENDED*
VERSION

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.

AN ACT

TO REGULATE THE EXAMINATION OF APPLICANTS FOR LICENSE, AND THE
 PRACTICE OF THOSE LICENSED TO TREAT DISEASES, INJURIES, DEFORM-
 ITIES, OR OTHER PHYSICAL OR MENTAL CONDITIONS OF HUMAN BEINGS
 WITHOUT THE USE OF DRUGS, OR WHAT ARE KNOWN AS MEDICINAL
 PREPARATIONS, AND WITHOUT IN ANY MANNER SEVERING OR PENE-
 TRATING ANY OF THE TISSUES OF HUMAN BEINGS EXCEPT THE
 SEVERING OF THE UMBILICAL CORD; TO ESTABLISH A BOARD OF EXAM-
 INERS OF DRUGLESS PHYSICIANS FOR THE STATE OF CALIFORNIA; TO
 PROVIDE FOR THEIR APPOINTMENT AND PRESCRIBE THEIR POWERS
 AND DUTIES, AND TO PROVIDE PENALTIES TO ENFORCE THE PROVISIONS
 OF THIS ACT; TO PROVIDE THAT SUCH BOARD MAY SUSPEND OR REVOKE
 THE RIGHT TO PRACTICE OF DRUGLESS PRACTITIONERS, OR DRUGLESS
 PHYSICIANS; TO REVOKE THE LICENSES OR CERTIFICATES OF SUCH
 PRACTITIONERS OR PHYSICIANS; TO PROVIDE THAT THE POWERS AND
 DUTIES OF SUCH BOARD SHALL BE EXCLUSIVE; TO PROVIDE FOR THE
 TRANSFER OF A PORTION OF THE BOARD OF MEDICAL EXAMINERS'
 CONTINGENT FUND, TO THE BOARD OF DRUGLESS EXAMINERS' CON-
 TINGENT FUND, AND TO REPEAL ALL ACTS AND PARTS OF ACTS
 INCONSISTENT WITH, OR IN CONFLICT WITH, THIS ACT.

The people of the State of California do enact as follows: